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PAGE 01 KIGALI 04871 01 OF 04 251507Z
ACTION AF-01

INFO	LOG-00	AID-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
	HHS-04	H-01	INRE-00	INR-01	IO-19	L-03	ADS-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01	PM-02	PRS-01
	P-01	RP-10	SNP-00	SP-00	SR-00	SS-00	TRSE-00
	T-01	USIE-00	FMP-00	/060W			
				-----7EBF2F 251519Z /38			

P 251502Z NOV 92
FM AMEMBASSY KIGALI
TO SECSTATE WASHDC PRIORITY 2349
INFO USMISSION GENEVA PRIORITY
AMEMBASSY ADDIS ABABA
AMEMBASSY BUJUMBURA
AMEMBASSY DAR ES SALAAM
AMEMBASSY KAMPALA
AMEMBASSY PARIS
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY KINSHASA

C O N F I D E N T I A L SECTION 01 OF 04 KIGALI 04871

GENEVA FOR RMA

E.O. 12356: DECL:OADR
TAGS: PREF, PREL, UNHCR, RW
SUBJECT: ARUSHA V: REFUGEE DISCUSSIONS

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PAGE 02 KIGALI 04871 01 OF 04 251507Z
REF: (A) KIGALI 372050, (B) KIGALI 2255

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. THE GOVERNMENT OF RWANDA (GOR) AND THE RWANDAN PATRIOTIC FRONT (RPF) ARE LIKELY TO FIND COMMON GROUND ON REFUGEE REPATRIATION IN DISCUSSIONS SCHEDULED FOR DECEMBER 14-20 IN ARUSHA WITHIN THE FRAMEWORK OF THE ARUSHA PEACE TALKS. THE MINISTER RESPONSIBLE FOR REFUGEE AFFAIRS TOLD THE EMBASSY THE GOR WILL BE OPEN TO RPF CONCERNS AND WILL AVOID

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GIVING ANY APPEARANCE OF COMPROMISING ITS COMMITMENT
TO THE RIGHT TO REFUGEE RETURN.

3. AT ARUSHA THE GOR WILL NOT/NOT INSIST ON THE
REFUGEE OPTION OF NATURALIZATION IN COUNTRIES OF
ASYLUM. IT PLANS TO LAY THE GROUNDWORK FOR BILATERAL
AGREEMENTS ON REPATRIATION WITH COUNTRIES OF ASYLUM
AND WILL SEEK DONOR SUPPORT FOR ACCELERATING THE PACE
OF IMPLEMENTATION OF A PARTIAL PLAN OF ACTION FOR
REFUGEE RETURN. BY DELINKING NATURALIZATION FROM THE
OTHER TWO REFUGEE OPTIONS INCLUDED IN THE 1991 DAR ES
SALAAM DECLARATION AND BY PUSHING TOWARD EARLY
IMPLEMENTATION OF THE REPATRIATION OPTION, RWANDA MAY
OFFER THE BREAKTHROUGH NEEDED TO REINVIGORATE THE
PROCESS FOR A REGIONAL SOLUTION TO THE RWANDAN
REFUGEE PROBLEM. SEE PARA 18 FOR SUGGESTIONS FOR THE
USG OBSERVER AT THE ARUSHA TALKS. END SUMMARY.

MINISTER OUTLINES GOR STRATEGY

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PAGE 03 KIGALI 04871 01 OF 04 251507Z

5. THE MINISTER OF LABOR AND SOCIAL AFFAIRS,
LAMDOUALD NDASINGWA, OUTLINED TO DCM THE STRATEGY THE
GOR PLANS TO ADOPT AT THE ARUSHA TALKS ON REFUGEES,
TARGETED FOR DECEMBER 12-20. THIS STRATEGY, APPROVED
AT THE WEEKEND BY THE MULTI-PARTY COUNCIL OF
MINISTERS, HAS AS ITS CENTRAL FEATURE OPENESS. THE
GOVERNMENT DELEGATION INTENDS TO BE FLEXIBLE AND
RESPONSIVE TO THE RPF DEMANDS. IT WILL TAKE THE
POSITION THAT THERE ARE NO INSURMOUNTABLE OBSTACLES
TO THE RETURN OF ALL REFUGEES WHO WISH TO RETURN. IT
WILL ALSO AVOID APPEARING TO COMPROMISE THE GOR'S
STATED COMMITMENT TO THE RIGHT OF REFUGEE RETURN.

6. IN A SIGNIFICANT POLICY DEVELOPMENT, THE MINISTER
SAID THE GOR WILL NOT/NOT INSIST ON THE
NATURALIZATION OPTION FOR THE REFUGEES IN NEIGHBORING
COUNTRIES. IT WILL INSTEAD CONCENTRATE ITS ATTENTION
ON REPATRIATION AND ON THE LOCAL SETTLEMENT OF
REFUGEES WHO OPT TO HAVE RWANDAN PASSPORTS BUT STAY
IN COUNTRIES OF ASYLUM. THE MINISTER SAID THAT THE
RPF VIEWS GOR EFFORTS TO ASSURE THE NATURALIZATION
OPTION AS A WAY OF SIDE-STEPPING ITS COMMITMENT TO
THE RIGHT OF RETURN. HE ALSO NOTED THAT IT IS A
POLITICALLY SENSITIVE ISSUE IN THE NEIGHBORING

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COUNTRIES. THUS, HE SAID, THE GOR WILL AVOID RAISING THIS OPTION AND TAKE THE POSITION THAT THE DESIRE FOR NATURALIZATION IS THE PERSONAL MATTER FOR A REFUGEE.

7. IN RESPONSE TO DCM'S QUERY, THE MINSTER SAID THAT THE GOR WOULD WELCOME PRESSURE FROM OTHER QUARTERS TO ENCOURAGE NEIGHBORING COUNTRIES TO LIVE UP TO THEIR
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PAGE 04 KIGALI 04871 01 OF 04 251507Z
DAR DECLARATION COMMITMENTS, INCLUDING THE COMMITMENT TO FACILITATE THE NATURALIZATION OPTION. NOR DID HE RULE OUT AN EXPRESSION OF JOINT GOR-RPF INTEREST IN THE FULL IMPLEMENTATION OF THE DAR ES SALAAM DECLARATION.

MODALITIES FOR REPATRIATION

8. THE MINISTER SAID THAT THE FOCUS OF THE ARUSHA DISCUSSIONS IS LIKELY TO BE ON THE MODALITIES FOR RETURN AND REINSTALLATION. HE REVIEWED WITH THE DCM A COPY OF A WORKING DOCUMENT APPROVED WITH SOME

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PAGE 01 KIGALI 04871 02 OF 04 251509Z
ACTION AF-01

INFO	LOG-00	AID-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
	HHS-04	H-01	INRE-00	INR-01	IO-19	L-03	ADS-00
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P 251502Z NOV 92
FM AMEMBASSY KIGALI
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AMEMBASSY ADDIS ABABA
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PAGE 02 KIGALI 04871 02 OF 04 251509Z
MODIFICATIONS BY THE COUNCIL OF MINISTERS.

-- POOL OF RETURNEES. THE GOR ACCEPTS THAT THE POTENTIAL POOL OF RETURNEES IS LARGER THAN THE NUMBER OF PERSONS REGISTERED AS REFUGEES WITH UNHCR. WHERE DIFFERENCES DEVELOP BETWEEN THE GOR AND THE RPF ON THE COMPOSITION OF THIS POOL, THE GOR WILL SUGGEST DEFERRING TO INTERNATIONAL NORMS.

-- ORDERLY RETURN. THE GOR WANTS REPATRIATION TO BE ORGANIZED AND UNDER THE AUSPICES OF UNHCR RATHER THAN SPONTANEOUS. RETURNEES WILL HAVE THE OPTION OF RETURNING TO THEIR FAMILIES OF ORIGIN, TAKING UP NON-AGRICULTURAL PROFESSIONAL ACTIVITIES, OR SETTLING IN IDENTIFIED RURAL AREAS.

-- TIME-TABLE. THE GOR OFFERS NO FIXED TIMETABLE FOR THE RETURN, THOUGH IT WILL ENDORSE THE PRINCIPLE THAT RETURN SHOULD BEGIN AS SOON AS POSSIBLE.

-- REFUGEE PROPERTY CLAIMS. THE COUNCIL OF MINISTERS REJECTED A PROPOSED 10-YEAR LIMIT ON

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REFUGEE PROPERTY CLAIMS. IT OPTED INSTEAD TO ALLOW ANY CLAIMS, THOUGH DISTINCTIONS ARE LIKELY TO BE MADE BETWEEN RURAL AND URBAN CLAIMS BECAUSE OF DIFFERENT "OWNERSHIP" MODES, AND FINANCIAL SETTLEMENTS WILL HAVE TO BE WORKED OUT. THE MINISTRY'S REFUGEE DIRECTOR WILL BE PURSUING THIS QUESTION FURTHER PRIOR TO THE DISCUSSIONS.

-- REINSTALLATION. THE GOR ACCEPTS THE PRINCIPLE OF
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PAGE 03 KIGALI 04871 02 OF 04 251509Z
REFUGEE ENTRY INTO THE CIVIL SERVICE AND TO ADJUSTING LAWS TO MAKE IT POSSIBLE. HOWEVER, THE MINISTER POINTED OUT THAT THE COUNTRY'S STRUCTURAL ADJUSTMENT PROGRAM PRECLUDES ENLARGING THE CIVIL SERVICE.

RESPONSIVE TO RPF

8. THE GOR'S APPROACH TO THE MODALITIES OF REPATRIATION AND REINTEGRATION APPEAR TO GO A LONG WAY TOWARD MEETING CONCERNS EXPRESSED BY THE RPF IN ITS PRELIMINARY WORKING DOCUMENT. THE RPF DOCUMENT, PREPARED FOR THE GOR AND THE UNHCR FOR THE NEXT ROUND OF TALKS (AND PROVIDED TO THE DCM BY UNHCR), HIGHLIGHTS FOUR PRINCIPLE ISSUES FOR DISCUSSION: COMPOSITION OF THE REFUGEE POPULATION, TIMING OF RETURN, REFUGEE PROPERTY CLAIMS, AND REINTEGRATION MODALITIES. ACCORDING THE UNHCR, THE LATEST DOCUMENT REFLECTS A MORE FLEXIBLE APPROACH ON THE PART OF THE RPF.

9. IN ITS DOCUMENT, THE RPF DEFINES THE POOL OF POTENTIAL RETURNEES AS ENCOMPASSING NOT ONLY REFUGEES REGISTERED WITH UNHCR BUT ALSO SELF-SETTLED EXILES AS WELL AS THEIR CHILDREN. THE RPF ACCEPTS PHASED RETURN OVER AN UNSPECIFIED PERIOD, IN A WAY THAT WILL PERMIT SUFFICIENT TIME FOR PREPARATION AND NOT DISTURB EITHER THE COUNTRY OF ASYLUM OR THE COUNTRY OF RETURN. AS A HUMANE SOLUTION TO THE QUESTION OF REFUGEE PROPERTY, THE RPF SUGGESTS RWANDA SET ASIDE UNOCCUPIED AREAS OF LAND ON WHICH TO RESETTLE RETURNEES. TO FACILITATE INTEGRATION, THE RPF SEEKS

CONFIDENTIAL

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PAGE 04 KIGALI 04871 02 OF 04 251509Z
ANSWERS TO QUESTIONS ABOUT DIPLOMA EQUIVALENCY, CIVIL
SERVICE ENTRY CRITERIA, PREVIOUS SERVICE CREDIT, AND
SELF-EMPLOYMENT REQUIREMENTS.

10. IN ITS DOCUMENT, THE RPF CALLS FOR THE REFUGEES
THEMSELVES, AS WELL AS NEIGHBORING COUNTRIES AND
INTERNATIONAL ORGANIZATIONS, TO BE INVOLVED IN THE
SEARCH FOR SOLUTIONS TO THE REFUGEE PROBLEM. IT
NOTES THAT INTERNAL SECURITY FOR RETURNEES WILL BE
IMPORTANT.

CONFIDENTIAL

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PAGE 01 KIGALI 04871 03 OF 04 251511Z
ACTION AF-01

INFO	LOG-00	AID-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
	HHS-04	H-01	INRE-00	INR-01	IO-19	L-03	ADS-00
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	P-01	RP-10	SNP-00	SP-00	SR-00	SS-00	TRSE-00
	T-01	USIE-00	FMP-00	/060W			
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P 251502Z NOV 92
FM AMEMBASSY KIGALI
TO SECSTATE WASHDC PRIORITY 2351
INFO USMISSION GENEVA PRIORITY
AMEMBASSY ADDIS ABABA
AMEMBASSY BUJUMBURA
AMEMBASSY DAR ES SALAAM
AMEMBASSY KAMPALA
AMEMBASSY PARIS
AMEMBASSY BRUSSELS
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CONFIDENTIAL

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PAGE 02 KIGALI 04871 03 OF 04 251511Z
ROLE OF OBSERVERS AT ARUSHA

11. A MEMBER OF THE GOR NEGOTIATING TEAM TOLD THE DCM THAT THE OBSERVERS AT ARUSHA, WHO HAVE BEEN INVITED TO "PARTICIPATE AS OBSERVERS" IN THE REFUGEE DISCUSSIONS, ARE EXPECTED TO PLAY AN ACTIVE ROLE. THE MINISTER SAID THAT THE GOR WILL ATTEMPT TO ENGAGE THE NEIGHBORING COUNTRIES IN THE DISCUSSIONS ON THE MODALITIES OF REPATRIATION AND LOCAL SETTLEMENT. HE INTENDS FOR THE DISCUSSION TO LAY THE GROUNDWORK FOR FOLLOW-ON TALKS LEADING TO BILATERAL AGREEMENTS. THESE AGREEMENTS WOULD PROVIDE THE FRAMEWORK FOR A REPATRIATION OPERATION.

12. THE MINISTER SAID THAT HE HOPES THE DONOR COUNTRIES PRESENT AT ARUSHA WILL PUSH THE OAU AND UNHCR TO ACCELERATE IMPLEMENTATION OF A PARTIAL PLAN OF ACTION FOR REFUGEE RETURN. BY THIS HE MEANS THAT THE GOR WANTS TO MOVE FORWARD WITH REPATRIATION AND LOCAL SETTLEMENT, EVEN THOUGH THE THIRD OPTION CALLED FOR IN THE DAR DECLARATION, I.E., NATURALIZATION, MAY NOT YET BE VIABLE. THE MINISTER SAID HE HOPES DONORS WILL ALSO MAKE A MORAL COMMITMENT AT ARUSHA TO PROVIDE FINANCIAL ASSISTANCE TO THE REPATRIATION OPERATION. HE ASKED SPECIFICALLY ABOUT THE POSSIBILITY OF A FUND BEING CREATED IN ADVANCE OF REPATRIATION THAT RWANDA COULD DRAW FROM TO DEVELOP THE INFRASTRUCTURE NEEDED TO PREPARE RESETTLEMENT SITES. HE NOTED THAT UNHCR PLANS TO HAVE A TEAM IN RWANDA IN JANUARY TO CONDUCT SOCIO-ECONOMIC STUDIES LINKED TO REFUGEE INTEGRATION.

CONFIDENTIAL

CONFIDENTIAL

UNCLASSIFIED

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PAGE 03

KIGALI 04871 03 OF 04 251511Z

UNHCR POSITION

13. THE UNHCR REPRESENTATIVE IN KIGALI TOLD THE DCM THAT HE HAS URGED HIS GENEVA HEADQUARTERS TO VIEW THE ARUSHA TALKS NOT ONLY AS A FORUM FOR DISCUSSING THE MODALITIES OF REPATRIATION BUT ALSO FOR HIGHLIGHTING THE ROLE THE COUNTRIES OF ASYLUM MUST PLAY IN REALIZING A DURABLE SOLUTION. HE BELIEVES ARUSHA CAN BE A FORUM FOR DISCUSSING HOW THE PARTIES TO THE DAR DECLARATION WILL TRANSLATE THOSE COMMITMENTS INTO CONCRETE ACTION. HE HAS ALSO URGED GENEVA TO EMPHASIZE THE IMPORTANCE OF INTERNAL SECURITY AS A PRECONDITION FOR ASSURING REFUGEES CAN RETURN IN SAFETY AND DIGNITY. THE KIGALI REPRESENTATIVE ALSO BELIEVES THAT REFUGEE RETURN SHOULD BE LINKED TO THE REINSTALLATION OF RWANDA'S 350,000 WAR-DISPLACED. (NOTE . WE HAVE LEARNED THAT DEPUTY DIRECTOR FOR APRICA, ANDREW SOKIRI, WILL LEAD UNHCR'S DELEGATION TO ARUSH. END NOTE.)

PROCESS AT ARUSHA

14. A MEMBER OF THE GOR'S NEGOTIATING TEAM TOLD THE DCM THAT HE BELIEVES THE DISCUSSION AT ARUSHA WILL HAVE THREE ASPECTS. THE FIRST WOULD LIKELY INVOLVE A RESTATEMENT OF THE PRINCIPLES GOVERNING REPATRIATION AND THE OTHER REFUGEE OPTIONS ENVISIONED IN THE 1991 DAR ES SALAAM DECLARATION. THE SECOND WOULD FOCUS ON THE MODALITIES FOR IMPLEMENTING THE REFUGEE OPTIONS. THE THIRD WOULD ASSESS THE ASSISTANCE, FROM BOTH
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 KIGALI 04871 03 OF 04 251511Z
NEIGHBORING COUNTRIES AND DONORS, NEEDED TO IMPLEMENT THE REFUGEE OPTIONS.

GOR-RPF AGREEMENTS TO DATE

15. EVER SINCE THE RPF AGREED IN JUNE TO ACCEPT THE SINCERITY OF THE GOR COMMITMENT IN PRINCIPLE TO REFUGEE RETURN, THE REFUGEE ISSUE, THOUGH AT THE HEART OF THE SOLUTION, HAS BEEN MARGINAL TO THE PEACE TALKS. IN THE PROTOCOL ON THE RULE OF LAW SIGNED IN AUGUST, THE TWO SIDES ACKNOWLEDGED THE IMPORTANCE OF

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A SOLUTION TO THE REFUGEE PROBLEM TO RECONCILIATION

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PAGE 01 KIGALI 04871 04 OF 04 251512Z
ACTION AF-01

INFO	LOG-00	AID-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
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P 251502Z NOV 92
FM AMEMBASSY KIGALI
TO SECSTATE WASHDC PRIORITY 2352
INFO USMISSION GENEVA PRIORITY
AMEMBASSY ADDIS ABABA
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CONFIDENTIAL

UNCLASSIFIED

UNCLASSIFIED

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PAGE 02 KIGALI 04871 04 OF 04 251512Z
AND NATIONAL UNITY, ACCEPTED THE PRINCIPLE OF THE
REFUGEES' INALIENABLE RIGHT TO RETURN, AND COMMITTED
THEMSELVES NOT TO HINDER THE EXERCISE OF THIS RIGHT.
THE OCTOBER PROTOCOL ON POWER-SHARING CALLS FOR
ESTABLISHMENT OF A MINISTERIAL-LEVEL POSITION IN THE
PRIME MINISTER'S OFFICE RESPONSIBLE FOR THE
REHABILITATION AND INTEGRATION OF REFUGEES AND
DISPLACED PERSONS. THIS PROTOCOL ALSO MAKES REFUGEE
REPATRIATION AND REINTEGRATION A PART OF THE PROGRAM
OF A BROAD-BASED TRANSITIONAL GOVERNMENT.

COMMENT

16. WITH THE REFUGEE TALKS SCHEDULED TO FOLLOW
COMPLETION OF TALKS ON POWER-SHARING AND MILITARY
INTEGRATION, THE TIMEFRAME COULD EASILY SLIP, EVEN
INTO THE NEW YEAR.

17. THE RWANDAN GOVERNMENT STRATEGY, IF CARRIED OUT
AS OUTLINED BY MINISTER NDASINGWA, MAY OFFER THE
BREAKTHROUGH NEEDED TO MOVE THE REGIONAL PROCESS
AHEAD, EVEN IF IT MEANS DEVIATING FROM THE STRICTLY
MULTI-LATERAL FRAMEWORK ENVISIONED IN THE 1991 DAR ES
SALAAM DECLARATION ON RWANDAN REFUGEES. BY DELINKING
THE THORNY, REGIONALLY SENSITIVE ISSUE OF
NATURALIZING RWANDAN REFUGEES FROM THE MORE EASILY
IMPLEMENTED OPTIONS OF REPATRIATION AND LOCAL
SETTLEMENT, THE GOR MAY BE ABLE TO ENLIST THE SUPPORT
AND COOPERATION OF ITS NEIGHBORS. BY BACKING AWAY
FROM THE MULTI-LATERAL FRAMEWORK, THE GOR OFFERS ITS
NEIGHBORS THE POSSIBILITY OF PROCEEDING AT A MUTUALLY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KIGALI 04871 04 OF 04 251512Z
AGREED PACE WITHOUT REGARD FOR THE PACE OF OTHERS.

18. THE GOR STRATEGY MERITS USG SUPPORT, THE EMBASSY
BELIEVES THE USG OBSERVER MIGHT ALSO WANT TO:

-- ENSURE THAT THE NATURALIZATION OPTION NOT BE
TOTALLY LOST IN THE DISCUSSIONS ABOUT REPATRIATION
AND LOCAL SETTLEMENT. ONE WAY OF DOING THIS MIGHT BE
TO ENCOURAGE A JOINT GOR-RPF STATEMENT CALLING ON ALL

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OBSERVERS, INCLUDING NEIGHBORING COUNTRIES, DONORS,
AND INTERNATIONAL ORGANIZATIONS, TO TAKE THE STEPS
NECESSARY TO IMPLEMENT THE DAR ES SALAAM DECLARATION.

-- ENSURE THAT THE ENVISIONED BILATERAL AGREEMENTS
ASSOCIATE UNHCR, AND POSSIBLY EVEN THE OAU, IN
TRILATERAL OR QUADRAPARTITE AGREEMENTS IN ORDER TO
ASSURE THAT THE INTERESTS OF THE REFUGEES ARE TAKEN
INTO CONSIDERATION. THE WAY TO DO THIS MIGHT BE TO
SUPPORT AND PROMOTE WHAT WILL INEVITABLY BE UNHCR'S
POSITION ON THIS ISSUE.

-- MAKE A COMMITMENT IN PRINCIPLE TO FINANCIAL
ASSISTANCE FOR THE IMPLEMENTATION OF THE REPATRIATION
PROCESS.

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